

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42999 of 2017

Arising Out of PS.Case No. -237 Year- 2017 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

1. Usha Devi wife of Sri Ram Roy
2. Chhathu Sah @ Bhuar son of Nanhaku Sah
3. Mirtunjay Roy @ Dhoni Roy son of Sri Ram Roy
All resident of Village- Gandhi Memorial College, Ward No. 7, Kochas,
P.S. Kochas, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Ravi Kumar @ Shashi Kant Singh, son of Ramashankar Singh,
resident of- Gandhi Memorial College, Ward No. 7, Kochas, P.S. Kochas,
District- Rohtas.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kr. Thakur, Adv.
Mr. Nilesh Kumar, Adv.
For the State : Mr. Ram Sumiran Roy, APP
For the Informant : Mr. Surendra Kumar Chaudhary, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 20-09-2017

Heard the parties.

This application, for grant of anticipatory bail,
arises out of Complaint Case No. 237 of 2017, disclosing



offences under Sections 363, 302, 201 and 120(B) of the Indian Penal Code.

Learned counsel, appearing on behalf of the petitioners, has submitted that on the basis of the First Information Report, registered earlier, an investigation has been done by the police and the police found the case to be mistake of fact in the report submitted under Section 173 Cr.P.C. The police report has been accepted by the court below, he contends. The petitioners apprehend their arrest because the learned court below, on the basis of complaint-cum-protest petition filed by the informant, has taken cognizance and issued summonses to these petitioners. He further contends that no purpose is going to be served at this stage, if the petitioners are taken into custody, since the investigation is already complete in which the petitioners have been found to be not involved in the alleged commission of offence. He also submits that the petitioners undertake that they shall present themselves before the court below, as and when required.

Learned counsel, appearing on behalf of the informant, on the other hand, has vehemently opposed the prayer for bail and has submitted that the injury report corroborates the allegation made in the First Information Report. According to him, since the matter relates to



death of a minor, the Court should not grant the petitioners the privilege of anticipatory bail.

Be that as it may, as has been noticed above, the police, on completion of investigation, have submitted final report and have found the case of the prosecution to be a mistake of fact. In my view, no purpose is going to be served, if the petitioners are to be taken into custody now, on the ground that the court below has taken cognizance on the basis of complaint-cum-protest petition, filed by the informant, particularly in view of specific stand taken that the petitioners shall present themselves before the court below, as and when required.

I do not find any reason why anticipatory bail should not be allowed to these petitioners in view of the above noted facts. This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Sub-Divisional Judicial Magistrate, 1st, Sasaram at Rohtas**, in connection with **Complaint Case No. 237 of 2017**, subject to the condition laid down under



Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

U		T	
---	--	---	--

